

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JONATHAN ROGOFF,**

**Plaintiff,**

**v.**

**No. CIV-10-1041 LAM**

**MICHAEL J. ASTRUE, Commissioner  
of the Social Security Administration,**

**Defendant.**

**ORDER TO SHOW CAUSE**

**THIS MATTER** is before the Court *sua sponte*. Plaintiff filed a Complaint on November 4, 2010 (*Doc. 1*), and Defendant filed an Answer on March 17, 2011 (*Doc. 8*). On March 18, 2011, the Court entered an *Order Setting Briefing Schedule* (*Doc. 9*), wherein Plaintiff was ordered file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law by May 18, 2011. To this date, Plaintiff has not filed such a motion or requested an extension of time.

A district court has inherent power to dismiss a case, even with prejudice, *sua sponte* for failure to prosecute or for failure to comply with a court order. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). This Court's local rules provide that a case may be dismissed if no steps are taken to move a case forward for ninety days. D.N.M. LR-Civ. 41.1. Here, Plaintiff has failed to comply with the Court's order to file a motion to reverse or remand.

**WHEREFORE, IT IS HEREBY ORDERED THAT no later than June 8, 2011**, Plaintiff shall either file with the Court a Motion to Reverse or Remand Administrative Agency Decision

with a supporting memorandum of law, or file with the Court a response to this Order showing cause why this case should not be dismissed. Whichever he chooses to file, Plaintiff must serve a copy on Defendant. *Plaintiff is also hereby notified that failure to respond to this Order may result in dismissal of this case without further notice.*

**IT IS SO ORDERED.**

  
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**LOURDES A. MARTINEZ**  
**UNITED STATES MAGISTRATE JUDGE**  
**Presiding by Consent**